

FILED

NOV - 9 2006

Bryan A. Smith

CLERK OF THE
INDIANA SUPREME COURT
COURT OF APPEALS
AND TAX COURT

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The Clerk of this Court is directed to forward a copy of this Order to the Hon. Thomas R. Hunt, Grant Circuit Court, 101 East Fourth Street, Marion, IN 46952-4010; the Hon. Jeffrey D. Todd, Grant Superior Court, 101 East Fourth Street, #306, Marion, IN 46952-4010; the Hon. Randall Lee Johnson, Grant Superior Court, 101 East Fourth Street, #306, Marion, IN 46952-4004; the Hon. Natalie R. Conn, Grant Superior Court, 101 East Fourth Street, #306, Marion, IN 46952-4010, and to the Clerk of the Grant Circuit and Superior Courts.

The Clerk of the Grant Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 9th day of November, 2006.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

ASSIGNMENT OF CRIMINAL CASES

- A. All felony and misdemeanor cases filed in the Grant Circuit and Superior Courts will be assigned pursuant to this Rule:
- B. These cases shall be filed in Grant Superior Court No. 3:
 - (1) All misdemeanors, except for trials de novo and jury trial requests from Marion and Gas City Courts.
 - (2) Class D Felony traffic offenses.
 - (3) Class D Felony domestic violence offenses.
 - (4) Other Class D Felony offenses for persons who do not have prior felony convictions.
 - (5) Any case designated as a Drug Court case.
- C. All waivers of juveniles to adult jurisdiction of all crimes from the Grant County Juvenile Court shall be filed in Grant Circuit Court.
- D. All juvenile cases, including automatic waivers to adult court, shall be filed in Grant Superior Court No. 2.
- E. All trial de novo and jury trial requests from Marion and Gas City Courts shall be assigned to Grant Superior Court No. 1.
- F. Other felony cases, including grand jury indictments, shall be filed by random selection in the Grant Circuit Court, Grant Superior Court No. 1 and Grant Superior Court No. 2. However, if charges are pending against an individual in either the Grant Circuit or any of the Superior Courts and a new charge is brought against that individual, the new charge shall be filed in the Court

where the original charge is pending. However, if the new charge is one which should be filed randomly under Rule 2(F) and an earlier charge is pending in Grant Superior Court No. 3 then that new charge shall be filed randomly in accord with Rule 2(F) and not in Grant Superior Court No. 3 and the earlier charge pending in Grant Superior Court No. 3 shall be transferred to the court in which the new charge is filed. If an individual is on probation and a new charge is filed against that individual, that new charge shall be filed in the court where the probation is pending. However, if an individual is on probation in Grant Superior Court No. 3 and the new charge is one which should be filed randomly under this subsection and subsection (F) of this Rule, then the new charge shall be filed randomly in accordance with those subsections. Grant Circuit Court shall impanel the Grand Jury.

- G. Random selection for Circuit Court, Superior Court No. 1 and Superior Court No. 2 shall be done by the Clerk of the Courts. The Clerk shall maintain a closed container with three (3) identical balls. Each of the three (3) balls will be designated for one of these three (3) Courts. When a new felony case is filed for these Courts the Clerk shall randomly select a ball from the closed container and the case shall then be assigned to the Court which has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time of the Court selected.
- H. Multiple offenses against the same defendant shall be filed contemporaneously with the other charges using the highest class of charge in determining in which Court the case shall be filed.
- I. Where there are multiple defendants charged in the same case numbers or in different case numbers with felonies and misdemeanors arising out of the same facts and circumstances, all charges shall be filed in the same Court as indicated by this Rule.

- J. When a change of Judge has been granted by a regular Judge of the Grant Circuit and Superior Courts, the remaining three (3) Courts shall constitute the successor courts from which the State and the defendant shall select a Court for transfer. The party who has requested the change of Judge shall strike one of the successor courts within five (5) days after the order granting the change of venue from the Judge has been entered. The other party shall strike another of the successor courts from the panel within five (5) days. If either party fails to strike within the time allotted, the Clerk shall strike one of the Courts. The remaining Court shall be the successor Court and the case shall then be transferred to that Court.
- K. If one of the Judges recuses from a particular case then the case will be assigned to one of the other three (3) Courts of record by a blind draw system such as the one described in paragraph G above.
- L. If one of the three (3) Courts (Circuit, Superior No. 1, and Superior No. 2) becomes over-burdened with cases from the blind draw system that Court's ball may be removed from further draws upon majority vote of the three (3) Judges of those Courts, for whatever length of time and upon such terms and conditions that those Judges agree.

ASSIGNMENT OF CIVIL CASES

- A. Civil cases may be filed in the Circuit Court or any of the Superior Courts. Except that all Mental Health cases shall be filed in Circuit Court; all Small Claims matters shall be filed in Grant Superior Court No. 3, and all CHINS proceedings shall be filed in Grant Superior Court No. 2.

Caseload Allocation Plan

Recommendation for Grant County

Recommendation: Approve

A preliminary analysis of Grant County's Caseload Allocation Plan revealed that the projected utilization variation between Grant Circuit Court and Superior Court 1 through 3 is less than the 0.40 allowable variation (see Figure 1).

	Projected Need	Actual Have	Projected Utilization
Circuit	1.27	1.25	1.0133
Superior 1	1.10	1.00	1.0997
Superior 2	1.27	1.00	1.2701
Superior 3	1.65	1.30	1.2723
		<i>Difference</i>	0.2590

Figure 1

Method:

The projected utilization calculations displayed above are based on an analysis of Grant County's Caseload Allocation Plan and 2005 historical data. Please see Appendix A and Appendix B for a detailed analysis.

The Caseload Allocation Plan did not specifically address all case types, therefore, 2005 allocation methods were used, as noted as assumptions in Appendix A, in place of missing case types.

Appendix A
Grant County 2006 WCL Plan

	Actual 2005 New Filings				Assignment of cases based upon plan					Comments	Application of plan guidelines and assumptions to 2005 statistics				
	Circuit	Sup.			Circuit	Sup.			Total		Sup.				
		1	2	3		1	2	3			1	2	3	Total	
MR	3	1			4	75.00%	25.00%	0.00%	0.00%	100.00%	Historical--Not Addressed	3	1	0	4
CF					0					0.00%		0	0	0	0
FA	9	7	8		24	33.33%	33.33%	33.33%		100.00%	Random--"Shall be filed by random selection"	8	8	0	24
FB	42	36	36		114	33.33%	33.33%	33.33%		100.00%	Random--"Shall be filed by random selection"	38	38	0	114
FC	64	53	52		169	33.33%	33.33%	33.33%		100.00%	Random--"Shall be filed by random selection"	56	56	0	166
FD	25	29	38	393	485	5.15%	5.98%	7.84%	81.03%	100.00%	Historical--high level of detail in plan	25	29	38	393
PC	2	2	4	16	24	8.33%	8.33%	16.67%	66.67%	100.00%	Historical--Not Addressed	2	2	4	16
CM	2	3	1	591	597	0.00%	0.00%	0.00%	100.00%	100.00%		0	0	0	597
MC	35	28	52		115	30.43%	24.35%	45.22%	0.00%	100.00%	Historical--Not Addressed	35	28	52	115
IF		1			1	0.00%	100.00%	0.00%	0.00%	100.00%	Historical--Not Addressed	0	1	0	1
OV/OE		21		34	55	0.00%	38.18%	0.00%	61.82%	100.00%	Historical--Not Addressed	0	21	0	34
JC			41		41	0.00%	0.00%	100.00%	0.00%	100.00%		0	0	41	41
JD			336		336	0.00%	0.00%	100.00%	0.00%	100.00%		0	0	336	336
JS			23		23	0.00%	0.00%	100.00%	0.00%	100.00%		0	0	23	23
JP	2		232		234	0.00%	0.00%	100.00%	0.00%	100.00%		0	0	234	234
JM			214		214	0.00%	0.00%	100.00%	0.00%	100.00%		0	0	214	214
JT			6		6	0.00%	0.00%	100.00%	0.00%	100.00%		0	0	6	6
GP					0					0.00%		0	0	0	0
PL	38	57	9	27	131	29.01%	43.51%	6.87%	20.61%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	38	57	9	131
MF	331	125	2	2	460	71.96%	27.17%	0.43%	0.43%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	331	125	2	460
CC	244	264	6	282	796	30.65%	33.17%	0.75%	35.43%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	244	264	6	796
CT	26	42	4	2	74	35.14%	56.76%	5.41%	2.70%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	26	42	4	74
SC		1		4,570	4,571	0.00%	0.00%	0.00%	100.00%	100.00%		0	0	4,571	4,571
DR	103	204	104	25	436	23.62%	46.79%	23.85%	5.73%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	103	204	104	436
RS	30				30	100.00%	0.00%	0.00%	0.00%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	30	0	0	30
MH	94				94	100.00%	0.00%	0.00%	0.00%	100.00%		94	0	0	94
AD	21	1			22	95.45%	4.55%	0.00%	0.00%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	21	1	0	22
AH					0					0.00%		0	0	0	0
ES EU	202	3	15		220	91.82%	1.36%	6.82%	0.00%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	202	3	15	220
GU	69	2	24		95	72.63%	2.11%	25.26%	0.00%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	69	2	24	95
TR	2				2	100.00%	0.00%	0.00%	0.00%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	2	0	0	2
PO	8			124	132	6.06%	0.00%	93.94%	0.00%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	8	0	124	132
MB	35	7	1	5	48	72.92%	14.58%	2.08%	10.42%	100.00%	Historical--"May be filed in the Circuit or any of the Superior Courts"	35	7	1	48
CB					0					0.00%		0	0	0	0
TOTAL	1,387	887	1,208	6,071	9,553							1,370	889	1,215	9,553

Grant

Circuit	
Total Actual Minutes:	102141
Actual Need (to date):	1.27
Quarters Counted:	4
Projected Need (Year):	1.27
Actual Have:	1.25
Projected Utilization:	1.0133

Superior	
Total Actual Minutes:	88681
Actual Need (to date):	1.10
Quarters Counted:	4
Projected Need (Year):	1.10
Actual Have:	1
Projected Utilization:	1.0997

Superior 2	
Total Actual Minutes:	102418
Actual Need (to date):	1.27
Quarters Counted:	4
Projected Need (Year):	1.27
Actual Have:	1
Projected Utilization:	1.2701

Superior 3	
Total Actual Minutes:	133375
Actual Need (to date):	1.65
Quarters Counted:	4
Projected Need (Year):	1.65
Actual Have:	1.3
Projected Utilization:	1.2723

County Summary (All Courts)

Projected Need:	5.29
Actual Have:	4.55
Projected Utilization:	1.1627

Type	Weight	Circuit		Superior 1		Superior 2		Superior 3		Total Cases	Projected Minutes
		Cases	Proj. Min.	Cases	Proj. Min.	Cases	Proj. Min.	Cases	Proj. Min.		
Capital	2649	0	0	0	0	0	0	0	0	0	0
MR	453	3	1359	1	453	0	0	0	0	4	1812
CF	155	0	0	0	0	0	0	0	0	0	0
FA	420	8	3360	8	3360	8	3360	0	0	24	10080
FB	260	38	9880	38	9880	38	9880	0	0	114	29640
FC	210	56	11830	56	11830	56	11830	0	0	169	35490
FD	75	25	1875	29	2175	38	2850	393	29475	485	36375
PC	0	2	0	2	0	4	0	16	0	24	0
CM	40	0	0	0	0	0	0	597	23880	597	23880
MC	18	35	630	28	504	52	936	0	0	115	2070
IF	2	0	0	1	2	0	0	0	0	1	2
OV	2	0	0	21	42	0	0	34	68	55	110
JC	111	0	0	0	0	41	4551	0	0	41	4551
JD	60	0	0	0	0	336	20160	0	0	336	20160
JS	58	0	0	0	0	23	1334	0	0	23	1334
JP	82	0	0	0	0	234	19188	0	0	234	19188
JM	12	0	0	0	0	214	2568	0	0	214	2568
JT	194	0	0	0	0	6	1164	0	0	6	1164
CP	106	0	0	0	0	0	0	0	0	0	0
PL	121	38	4598	57	6897	9	1089	27	3267	131	15851
MF	23	331	7613	125	2875	2	46	2	46	460	10580
CC	26	244	6344	264	6864	6	156	282	7332	796	20696
CT	118	26	3068	42	4956	4	472	2	236	74	8732
SC	13	0	0	0	0	0	0	4571	59423	4571	59423
DR	185	103	19055	204	37740	104	19240	25	4625	436	80660
RS	31	30	930	0	0	0	0	0	0	30	930
MH	37	94	3478	0	0	0	0	0	0	94	3478
AD	53	21	1113	1	53	0	0	0	0	22	1166
AH	53	0	0	0	0	0	0	0	0	0	0
EU	85	202	17170	3	255	15	1275	0	0	220	18700
GU	93	69	6417	2	186	24	2232	0	0	95	8835
TR	40	2	80	0	0	0	0	0	0	2	80
PO	37	8	296	0	0	0	0	124	4588	132	4884
MI	87	35	3045	7	609	1	87	5	435	48	4176
TOTAL		1370	102141	889	88681	1215	102418	6078	133375	9553	426615